REMARKS

In response to the Office Action dated March 19, 2008, Applicant respectfully requests reconsideration and withdrawal of the rejections of the claims. Claims 57-60 and 76-87 are currently pending.

Double Patenting Rejection

Claims 1-64 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting over certain indicated claims of co-pending parent Application No. 10/465,855. The Office Action states that, while the claims from the two applications are not identical, they are not considered to be patentably distinct "because the instant application is a narrower version of the limitations in ('855)." It is respectfully submitted that this is not the correct standard for a double patenting rejection. In fact, to the extent that a claim of the present application is narrower in scope than a claim of the parent application, it necessarily means that the claim of the present application recites subject matter that is not explicitly set forth in the claim of the parent application. To support a rejection based upon double patenting, it is incumbent upon the examiner to show that the additional subject matter of the narrower claim would have been obvious from that which is set forth in the broader claim. There is no such showing in the Office Action.

Nevertheless, pursuant to the interview with Examiner Augustine, to obviate any possible double patenting issues, the claims of the present application that are related to those of the parent application have been canceled from the present application. Applicant reserves the right to pursue the subject matter of the canceled claims in the parent application.

Claims 57-60 remain pending in the present application. Although these claims were included in the general statement of the provisional double-patenting rejection, it is respectfully submitted that the Office Action has not established a basis for the rejection of these claims on that basis. In this regard, these particular claims are absent from the listing of rejected claims in Paragraph 7 on page 4 of the Office Action.

Claim 57 recites a method in which windows are temporarily removed from their normal, obscuring positions in response to a user command, and while they are removed an object on the desktop is selected. The windows are then returned to their original positions, while the object remains s elected, and the object is then placed in one of the windows. This aspect of the disclosed subject matter is depicted in the sequence of steps illustrated in Figures 19a-19d of the application. Claim 60 is directed to the converse situation, in which an object in a window is selected, the windows are temporarily removed from their obscuring positions while the object remains selected, and the object is placed on the desktop. This feature is illustrated in Figures 20a-20d.

It is respectfully submitted that the Office Action has not shown that these claims are patentably indistinct from any of the claims of parent Application No. 10/465,855, such that a rejection based on double patenting is justified. Withdrawal of this ground of rejection with respect to claims 57-60 is respectfully requested.

Rejection Under 35 U.S.C. 103

Claims 57-60 were rejected under 35 U.S.C. 103, on the basis of the newly-cited DeStefano patent (US 6,075,531) in view of the previously-cited Bronson

patent (US 5,305,435). The DeStefano patent was relied upon as teaching the display of one or more windows such that the windows can obscure a user's view of objects on the desktop of a user interface. The Office Action acknowledges that the DeStefano patent does not disclose the remaining features recited in claims 57-60. To this end, reliance is made upon the Bronson patent, as allegedly teaching the claimed subject matter.

The Bronson patent discloses a user interface in which windows can be "pushed" off the visible area of a display screen. When this occurs, a tab is displayed along the edge of the screen, adjacent the virtual location of the window. To return the window to the display area, the user drags the tab, or double clicks on it.

In rejecting claim 57, the Office Action states that the Bronson patent teaches the selection of a desktop object while the windows are removed from the display area, with reference to column 9, lines 10-20. This portion of the patent relates to the procedure by which a user can return a window to the display area, such as by double clicking its tab. The Office Action does not indicate what is being interpreted as the selected object in this scenario. Presumably, the tab is considered to be the selected object.

Claim 57 recites the step of returning the windows to their original positions while maintaining the selection of the desktop object, and "placing the selected object in one of said windows." With regard to this latter feature, the Office Action refers to the Bronson patent at column 7, lines 56-59. It is respectfully submitted that this passage does not disclose that an object that was selected while the windows were removed from the display area is placed into one of those windows after they

are returned to the display area. Rather, it is simply another disclosure of the technique via which the windows can be restored to the display area. It does not contain any discussion of placing a selected object in those areas. Specifically, if the selected object is considered to be the tab for a window, as discussed above, there is no suggestion that such a tab is placed within a window after it is restored to the display screen. In fact, there is no reason to do so. The sole purpose of the tab is to enable the user to return a window to the display screen, after it has been pushed out of the display area. There would be no purpose to be served by placing the tab within the window after the window is restored.

Accordingly, it is respectfully submitted that the Bronson patent does not disclose, nor otherwise suggest, the sequence of steps in which windows are temporarily removed from obscuring positions, an object on a desktop is selected and the windows are returned to their original positions *while the object remains selected*, and the *selected* object is then placed in one of the returned windows. For similar reasons, it does not disclose the sequence of steps recited in claim 60, or new claim 83.

Since the Bronson patent does not disclose the features of the claims that are alleged in the Office Action, the rejection is not properly supported, and withdrawal thereof is submitted to be in order. If the rejection based upon the Bronson patent is not withdrawn, the examiner is requested to identify, with particularity, (a) what disclosed subject matter in the Bronson patent is being interpreted to be the selected object for each of claims 57 and 60, (b) the passage in the Bronson patent which discloses that such a selected object is placed in one of the windows after it is returned to the screen, as recited in claim 57 and encompassed by claim 83, and (c)

the passage in the Bronson patent which discloses that such a selected object is placed on the desktop after the windows are removed from the screen, as recited in claim 60 and encompassed by claim 83. In the absence of such showings, it is respectfully submitted that the rejection is not supported.

Furthermore, it is respectfully submitted that the Office Action has not established any reason for a person of ordinary skill in the art to combine the Bronson patent with the DeStefano patent. In the user interface of the Bronson patent, the windows are completely pushed off the display screen, so that they are no longer visible to the user. Because of this situation, the Bronson patent discloses that tabs are displayed, to enable the user to recognize the invisible windows and return them to the display area.

In contrast, the user interface of the DeStefano patent does not function to remove windows from the display area. Rather, this patent is concerned with the ability to move and/or resize multiple windows on the screen. Thus, at all times, the windows remain visible within the display area. There is no need to employ any of the teachings of the Bronson patent in this context. As such, there is no reason for a person of ordinary skill in the art to combine these two references in the manner suggested in the Office Action, absent hindsight knowledge of the presently claimed invention.

Conclusion

In view of the foregoing, it is respectfully submitted that all pending claims recite subject matter that is patentably distinctfrom the prior art of record. Reconsideration and withdrawal of the rejections, and allowance of the pending claims is respectfully requested.

Respectfully submitted,

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